

Remarks

A restriction requirement under 35 U.S.C. §121 was set forth in the Official Action dated June 5, 2007 in the above-identified patent application.

At the outset, it is noted that a shortened statutory response period of one (1) month was set forth in the June 21, 2007 Official Action. Therefore, the initial due date for response was July 5, 2007. A petition for a two (2) month extension is presented with this response, which is being filed within the one month extension period.

In accordance with the instant amendment, Applicants have added new claims 5 and 6. Support for new claims 5 and 6 can be found throughout the specification including, for example, page 18, lines 5-7. New claims 4 and 5 are readable upon the elected species.

The Examiner has required the election of a single species of SEQ ID NO from those recited in claim 1. Applicants note that in accordance with 37 CFR 1.141, upon the allowance of a generic claim, claims drawn to additional species which depend from or otherwise recite the limitation of the generic claim will be examined on their merits.

Applicants respectfully disagree with the Examiner's restriction of the instant invention and submit that a withdrawal, or at the very least a modification, of the restriction requirement is clearly in order for the following reasons.

The MPEP at §808.01(a) states that a "requirement for restriction is permissible if there is a patentable difference between the species as claimed **and** there would be a serious burden on the examiner if restriction is not required" (emphasis added).

The Examiner has previously examined a "portion of an isolated MUC1 cytoplasmic tail peptide of SEQ ID NO: 1." Claim 1 currently recites specific SEQ ID NOs which are portions of SEQ ID NO: 1. Inasmuch as the Examiner has already searched and examined a portion of SEQ ID NO: 1 and

the instant claims recite specific portions of SEQ ID NO: 1, Applicants respectfully submit that there cannot be "serious burden on the examiner if restriction is not required."

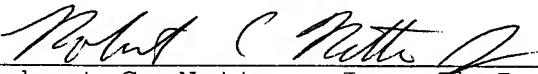
For the foregoing reasons, Applicants respectfully request withdrawal or, at the very least, modification of the present restriction requirement.

In order to be fully responsive to the instant restriction requirement, Applicants hereby elect, with traverse, SEQ ID NO: 47.

Applicants hereby reserve the right to file one or more continuing applications, as provided in 35 U.S.C. §120, on the subject matter of any claims finally held withdrawn from consideration in this application.

Early and favorable action on the merits of this application is respectfully solicited.

Respectfully submitted,
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By 

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